

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PAMELA LLOYD, on behalf of herself and others similarly situated,	:	Civil Action No.: 0:20-cv-60300-RS
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JAMES E. ALBERTELLI, P.A. d/b/a ALBERTELLI LAW,	:	
	:	
Defendant.	:	

**DECLARATION OF JAMES L. DAVIDSON IN SUPPORT OF PLAINTIFF’S
UNOPPOSED MOTION FOR APPROVAL OF AN AWARD OF ATTORNEYS’ FEES
AND REIMBURSEMENT OF LITIGATION EXPENSES**

I, James L. Davidson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. My name is James L. Davidson.
2. I am over twenty-one years of age and am fully competent to make the statements contained in this Declaration.
3. I have personal knowledge of the matters stated herein, and, if called upon, I could and would competently testify thereto.
4. I am admitted to practice before this Court.
5. I am a partner at the law firm of Greenwald Davidson Radbil PLLC (“GDR”), counsel for Pamela Lloyd (“Plaintiff”), and Class Counsel in the above-titled action. I make this declaration in support of Plaintiff’s unopposed motion for an award of attorneys’ fees and expenses.

6. The purpose of this declaration is to set forth the factual basis for why the unopposed application for attorneys' fees and expenses is reasonable and should be approved by this Court.

Class Counsel

7. GDR has been appointed class counsel in a host of class actions throughout the country, including many brought under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"). *See, e.g., Newman v. Eduardo Meloni, P.A.*, No. 0:20-cv-60027-UU, 2020 WL 3052801 (S.D. Fla. June 5, 2020) (Ungaro, J.). *Claxton v. Alliance CAS, LLC*, No. 19-61002, 2020 WL 2759826 (S.D. Fla. May 27, 2020) (Altman, J.); *Riddle v. Atkins & Ogle Law Offices, LC*, No. 19-249, 2020 WL 1303939 (S.D. W. Va. Feb. 26, 2020); *Taylor v. TimePayment Corp.*, No. 18-378, 2020 WL 906319 (E.D. Va. Feb. 24, 2020); *Sullivan v. Marinosci Law Grp., P.C., P.A.*, No. 18-81368, 2019 WL 6709575 (S.D. Fla. Nov. 22, 2019) (Middlebrooks, J.); *Spencer v. #1 A LifeSafer of Ariz., LLC*, No. CV-18-02225-PHX-BSB, 2019 WL 1034451 (D. Ariz. Mar. 4, 2019); *Knapper v. Cox Commc'ns, Inc.*, 329 F.R.D. 238 (D. Ariz. 2019); *Dickens v. GC Servs. Ltd. P'ship*, 336 F. Supp. 3d 1369 (M.D. Fla. 2018); *Kagno v. Bush Ross, P.A.*, No. 8:17-cv-1468-T-26AEP, 2017 WL 6026494 (M.D. Fla. Dec. 4, 2017); *Beck v. Thomason Law Firm, LLC*, No. 1:16-cv-00570-WJ-KK, 2017 WL 3267751 (D.N.M. July 27, 2017); *Brown v. Hunt & Henriques*, No. 15-1111, ECF No. 55 (N.D. Cal. Nov. 18, 2016); *Jallo v. Resurgent Capital Servs., L.P.*, No. 14-449, 2016 WL 6610322 (E.D. Tex. Nov. 8, 2016); *Rhodes v. Nat'l Collection Sys., Inc.*, 317 F.R.D. 579 (D. Colo. 2016); *Gonzalez v. Germaine Law Office PLC*, No. 15-1427, 2016 WL 5844605 (D. Ariz. Oct. 3, 2016); *McCurdy v. Prof'l Credit Serv.*, No. 15-1498, 2016 WL 5853721 (D. Or. Oct. 3, 2016); *Markos v. Wells Fargo Bank, N.A.*, No. 15-1156, 2016 WL 4708028 (N.D. Ga. Sept. 7, 2016); *Cross v. Wells Fargo Bank, N.A.*, No. 15-1270, 2016 WL 4432723 (N.D. Ga. Aug. 18,

2016); *Lehmeyer v. Messerli & Kramer, P.A.*, No. 15-2419, ECF No. 61 (D. Minn. Aug. 10, 2016); *Johnson v. Navient Sols., Inc.*, 315 F.R.D. 501 (S.D. Ind. 2016); *Globus v. Pioneer Credit Recovery, Inc.*, No. 15-152, 2016 WL 4069285 (W.D.N.Y. July 27, 2016); *Kausch v. Berman & Rabin, P.A.*, No. 15-537, 2016 WL 3944685 (E.D. Mo. July 8, 2016); *Schell v. Frederick J. Hanna & Assocs., P.C.*, No. 15-418, 2016 WL 3654472 (S.D. Ohio July 8, 2016); *Chamberlin v. Mullooly, Jeffrey, Rooney & Flynn, LLP*, No. 15-2361, ECF No. 44 (D.N.J. June 2, 2016); *Schuchardt v. Law Office of Rory W. Clark*, 314 F.R.D. 673 (N.D. Cal. 2016); *Garza v. Mitchell Rubenstein & Assocs., P.C.*, No. 15-1572, ECF No. 22 (D. Md. Apr. 26, 2016); *Baldwin v. Glasser & Glasser, P.L.C.*, No. 15-490, ECF No. 20 (E.D. Va. Mar. 24, 2016); *Whitford v. Weber & Olcese, P.L.C.*, No. 15-400, 2016 WL 122393 (W.D. Mich. Jan. 11, 2016); *Prater v. Medicredit, Inc.*, No. 14-159, 2015 WL 8331602 (E.D. Mo. Dec. 7, 2015); *McWilliams v. Advanced Recovery Sys., Inc.*, 310 F.R.D. 337 (S.D. Miss. 2015); *Oaks v. Parker L. Moss, P.C.*, No. 15-196, 2015 WL 5737595 (N.D. Ind. Sept. 29, 2015); *Jones v. I.Q. Data Int'l, Inc.*, No. 14-130, 2015 WL 5704016 (D.N.M. Sept. 23, 2015); *Lambeth v. Advantage Fin. Servs., LLC*, No. 15-33, 2015 WL 4624008 (D. Idaho Aug. 3, 2015); *Rhodes v. Olson Assocs., P.C.*, 83 F. Supp. 3d 1096 (D. Colo. 2015); *Roundtree v. Bush Ross, P.A.*, 304 F.R.D. 644 (M.D. Fla. 2015); *Gonzalez v. Dynamic Recovery Solutions, LLC*, Nos. 14-24502, 14-20933, 2015 WL 738329 (S.D. Fla. Feb. 23, 2015) (Bloom, J.).

8. I worked on this matter along with Michael Greenwald and Jesse Johnson. Mr. Greenwald and I both have more than sixteen years of litigation experience, including in excess of ten years litigating class actions. I graduated from law school in 2003 while Mr. Greenwald graduated in 2004. Mr. Johnson graduated from law school in 2009 and has more than eleven years of litigation experience, during which time he focused his practice entirely on class action litigation.

9. More information about GDR is available on the firm's website at www.gdrllawfirm.com.

Class Counsel's Reasonable Attorneys' Fees

10. James E. Albertelli, P.A. ("Defendant") has agreed to pay class counsel a total of \$28,450 in attorneys' fees and litigation expenses, and to pay those monies separate and apart from the class settlement fund. The attorneys' fees were negotiated only after the parties reached an agreement on the relief for members of the class.

11. Not only has Defendant agreed to pay \$28,450 in attorneys' fees and expenses, but all class members were apprised that GDR would seek up to \$45,000 in fees and expenses. To date, no class member has objected to the fee and expense award, or any other part of the settlement.

12. Likewise, Defendant provided notice of this settlement to the requisite government agencies pursuant to the Class Action Fairness Act ("CAFA"). To date, no objections to the settlement, or the requested attorneys' fees and expenses, resulted from the CAFA notice.

13. The requested attorneys' fees and expenses are fair and reasonable given the work completed in this matter. More specifically, GDR has devoted a significant amount of time to this matter, which included researching and preparing the class action complaint, working with defense counsel to prepare the joint scheduling report (and an amended joint scheduling report), negotiating the terms of a confidentiality agreement, negotiating the settlement, including participating in drafting the terms of the written settlement agreement and the class notice, preparing the preliminary approval papers, coordinating with the settlement administrator, conferencing with Plaintiff, and preparing this fee petition, among other tasks.

14. Based on the quality of GDR's work, the reasonable hours expended, the benefits obtained for Plaintiff and the members of the class in light of the risks of litigation, and given Defendant's agreement to pay GDR's attorneys' fees, the requested fee and expense award is reasonable and should be approved.

15. As of the date of this Declaration, GDR has spent a total of 63.4 hours litigating this case. I, as the lead attorney on this case, have spent a total of 54 hours. Two of the firm's other attorneys, Michael L. Greenwald and Jesse S. Johnson spent a total of 9.4 hours. More specifically, Mr. Greenwald spent 1.8 hours and Mr. Johnson has spent 7.6 hours.

16. The hours spent by Mr. Greenwald and Mr. Johnson largely entailed reviewing and revising pleadings and engaging in litigation and settlement strategy.

17. The time included herein is evidenced by my firm's electronically stored time records, which are entered contemporaneously with the respective task to which they relate. These time records accurately reflect the work performed.¹

18. Mr. Greenwald and I bill at a rate of \$450 per hour, while Mr. Johnson bills at a rate of \$400 per hour.

19. Thus, as of the date of this declaration, GDR's lodestar is \$28,150.

20. In addition, I conservatively estimate that this case will require an additional 10-20 hours of work to complete. That time will be spent preparing Plaintiff's motion for final approval of settlement, preparing for and attending the final fairness hearing set for December 8, 2020, conferring with class members and the class administrator, and any other related matters necessary to conclude this case.

¹ GDR will file detailed billing statements with the Court should the Court desire to see them.

21. Including the estimated 10-20 hours of additional time necessary to bring this case to its conclusion yields a total expected lodestar of between \$32,650 and \$37,150.

Reimbursement of Costs and Litigation Expenses Incurred

22. Subsumed within GDR's fee and expense request is the reimbursement of litigation costs and expenses reasonably incurred in connection with the prosecution of this action. Such costs and expenses are reflected in the books and records maintained by undersigned counsel, which are an accurate recording of the expenses incurred.

23. To date, Class Counsel has incurred \$450 in costs and expenses for the filing fee of the complaint and the fee for service of process.

24. I respectfully submit that the requested fee and expense award of \$28,450—which is unopposed by Defendant, and which will be less than my firm's combined lodestar and expenses at the conclusion of this case—is reasonable for a class action, particularly one where class members will receive cash benefits and which resulted in a change in Defendant's business practices.

Conclusion

25. For the reasons stated above and in the accompanying motion, I respectfully submit that Plaintiff's unopposed motion for approval of an award of attorneys' fees and reimbursement of costs and litigation expenses should be granted in its entirety.

Executed on September 29, 2020

By: s/ James L. Davidson
James L. Davidson